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Fifty-fifth session
Agenda items 9 and 14 (b)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Letter dated 22 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the Agreement for Self-Government in Kosmet signed in Paris on 18 March 1999 by the delegation of the Government of the Republic of Serbia. I would like to ask you to have it circulated as an official document of the fifty-fifth session of the Commission on Human Rights under agenda items 9 and 14 (b).

(signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The enclosure is reproduced as received, in English only.

GE.99-11661 (E)

AGREEMENT FOR SELF-GOVERNMENT IN KOSMET

The following text of the Agreement on Self-Government of Kosmet was signed in Paris on Thursday March 18. 1999. by the representatives of seven ethnic communities living in Kosovo and Metohija - Serbs, Montenegrins, Albanians, Moslems, Turks, Roma and Egyptians as well as the representatives of the government of Serbia and the Government of the FR of Yugoslavia.

Agreement for Self-Government in Kosmet

The Signatories to the present Agreement,

Convinced of the need for a peaceful and political solution in Kosmet as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosmet,

Reaffirming their commitment to the Purposes and Principles of the United Nations as well as to the OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic elements/principles adopted by the Contact Group at its ministerial meeting in London of January 29, 1999,

Recognizing the need for democratic self-government in Kosmet, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosmet, as well as the rights of the members of all national communities,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

Framework
Article I: Principles

1. All citizens in Kosmet shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosmet, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosmet.

3. All authorities in Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosmet shall have the right to democratic self-government through normative, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in Kosmet. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosmet may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Signatories accept that they will act only within their powers and responsibilities in Kosmet as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosmet shall have all rights and powers set forth herein, including in particular as specified in the Basic Act at Chapter 1.

7. The Signatories agree to cooperate fully with all international organizations working in Kosmet on the implementation of this Agreement.

Article II. Confidence Building Measures
End of Use of Force

1) Use of force in Kosmet shall cease immediately.

2) The status of police and security forces in Kosmet, shall be governed by the terms of this Agreement. Paramilitary and irregular forces in Kosmet are incompatible with the terms of this Agreement.

Return

3) The Signatories recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents under the condition that they are the citizens of the FRY. The Signatories shall take all measures necessary to readmit returning persons to Kosmet.

4) The Signatories shall cooperate fully with all efforts by the United Nations High Commissioner for Refuges (UNHCR) and other international and non-

governmental organizations acting under auspices of the UNHCR concerning the repatriation and return of persons, including those organizations' monitoring of the treatment of persons following their return.

Access for International Assistance

5) There shall be no impediments to the normal flow of the goods into Kosmet including materials for the reconstruction of homes and structures.

6) All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosmet population for purposes of international assistance. All persons in Kosmet shall similarly have safe, unhindered, and direct access to the staff of such organizations.

Other issues

7) The Federal Republic of Yugoslavia shall provide all necessary facilities including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosmet.

8) All abducted persons or other persons held without charge shall be released. The Signatories shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

1. All Signatories shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Signatories shall cooperate fully with the ICRC and the International Commission on Missing persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

2. Each Signatory:

(a) shall not prosecute anyone for crimes related to the conflict in Kosmet, except for persons accused of crimes against humanity and international law. The Signatories shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosmet. This amnesty shall not apply to those properly convicted of committing crimes against humanity and international law at a fair and open trial conducted pursuant to international standards.

Independent media

11. Recognizig the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosmet, the parties shall insure the widest possible press freedoms in Kosmet in all media, public and private, including print, television, radio and internet.

Chapter 1

Basic Act

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the equality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosmet are necessary for the harmonious development of a peaceful society,

Desiring through this Basic Act to establish institutions of democratic self-government in Kosmet grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosmet should fairly represent the national communities in Kosmet and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/ basic elements adopted by the Contact group at its ministerial meeting in London on January 29, 1999.

Article I: Principles of Democratic Self-Government in Kosovo

1. Recognizing multi-ethnic character of Kosmet, substantial self-government shall be based on self-government of citizens in Kosmet and self-government of national communities in Kosmet.

2. Respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and of the Republic of Serbia, substantial self-government in Kosmet shall be based on broadest powers and rights of Kosmet organs and national communities in Kosmet. However, federal organs and organs of the Republic of Serbia shall also exercise their powers and rights in Kosmet.

3. All federal laws shall be valid and implemented, in accordance with the Constitution of the FRY, in the entire territory of the FRY, including the territory of Kosmet.

4. All republican laws enacted in accordance with the Constitution of the Republic of Serbia, whose validity and implementation are possible in line with personal principle, shall be valid and implemented in Kosmet for those physical and legal persons who chose to have these regulations implemented in their case or those laws shall be valid and implemented in the institutions, services and organizations founded by the Republic of Serbia, or whose functioning it regulated or whose work it finances (for example the laws in the field of education, science, culture, health-care, marital and family relations, adoption, tutorship, child and youth care, veterans' and disabled persons' protection, heritage, labour relations, social protection, social insurance and other).

In the fields listed above, the Assembly of Kosmet shall enact its regulations with legal force which shall be valid and implemented for those physical and legal persons in Kosmet who opt for them. They shall also be valid and implemented in the institutions, services and organizations founded by Kosmet, or whose work it regulated or finances.

5. In the fields in which validity and implementation of republican laws are not possible along the personal principle, the Assembly of Kosmet shall enact its regulations with legal effect which will be valid for all physical and legal persons in Kosmet. However, decision-making within each national community shall ensure protection from discrimination or endangering on the basis of nationality (for example, agriculture, environment, protection of plants and animals, hunting and fishing, use and management of land, public information, urban planning and construction, organization and work of the organs of Kosmet, public services of importance for Kosmet and other fields).

6. Each national community may enact separate rules for its members, in order to protect their specific national characteristics, subject to their approval (for example in the field of matrimonial and family relations, adoption, tutorship and heritage).

7. Federal laws, in the entire territory of the FRY, including in Kosmet, in accordance with the Constitution of the FRY, shall be directly enforced by the federal organs through their regional organs (they shall enact enforcement regulations, individual legal acts and carry out administration control and inspection duties);

8. Republican laws, which on the basis of personal principle, are valid and implemented in Kosmet, shall be enforced, as in the entire territory of the Republic of Serbia, including in Kosmet, by republican organs (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).

9. Provincial regulations with legal effect implemented on the basis of personal principle, as well as provincial regulations with legal effect which are valid and implemented for all physical and legal persons in Kosmet, shall

be enforced by the organs of Kosmet (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).

10. Individual regulations of national communities shall be enforced by the organs of that national community.

11. Kosmet shall govern itself democratically through the normative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosmet shall exercise their authorities consistent with the terms of this Agreement.

12. All authorities in Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.

13. The basic territorial unit of local self-government in Kosmet shall be the commune. All responsibilities in Kosmet not expressly assigned elsewhere shall be the responsibility of the communes.

14. To preserve and promote democratic self-government in Kosmet, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political activities shall not be a bar to holding office in Kosmet.

Article II: The Assembly

1. Kosmet shall have an Assembly which shall comprise 130 members. Ninety-five members shall be elected directly by citizens, through the system of proportionate representation. Kosmet shall be one electoral unit and thirty-five shall be elected by the national communities of Albanians, Serbs, Turks, Romanies, Egyptians, Goranies and Muslims, five members each.

The Assembly of Kosmet shall make decisions from its competencies by majority vote of those present and voting, unless otherwise stipulated by this Basic Act.

When the Assembly of Kosovo enacts regulations which are valid and implemented in relation to all physical and legal persons in Kosmet (when no option exists for the regulations of the Republic of Serbia), such regulations shall be enacted by majority vote of those members present and voting. At least three members from the same national community, elected by the national community, may in relation to the proposed regulation initiate a separate procedure for the protection of their vital national interests in the following cases:

- regarding the election of organs of Kosmet and equal representation of all national communities in them;

- regarding resettlement of population;

- regarding impediments to the exercise of rights;

- regarding endangering security;

- regarding worsening of conditions of life;

- regarding the adoption of the Kosmet budget.

In a separate proceeding managed by the President of the Assembly of Kosmet, together with the Vice-Presidents of the Assembly of Kosmet, those proposing the regulations and the representatives of national communities elected by the national community, shall endeavor to eliminate the causes affecting vital national interests. Those taking part in this proceeding have to take account equally of the protection of general interests and vital national interests.

Should this procedure prove to be unsuccessful (within 30 days of its initiation) and the regulation is not enacted, a proposal for its adoption may again be placed on the agenda of the Assembly of Kosmet, if at least six months have elapsed since it was asserted that the causes affecting vital national interests have not been eliminated.

2. The Assembly of Kosmet shall elect President and 6 Vice-Presidents, at least one from each national community, at the proposal of the members elected by national communities, for a four-year term. No one shall be elected as President or Vice-Presidents of the Assembly of Kosmet for more than two terms.

The President and Vice-Presidents shall decide among themselves who will exercise which competency of the President of the Assembly of Kosmet.

The President of the Assembly promulgates the regulations enacted by the Assembly of Kosmet, represents the Assembly of Kosmet, proposes agenda for the meetings of the Assembly of Kosmet and chairs its meetings, holds regular meetings with the President of the National Assembly of Serbia and Presidents of the Chambers of the Federal Assembly, maintains contacts with the organs of national communities, proposes candidates for the President of the Council of Minister, proposes candidates for judges of courts in Kosmet and performs other duties set forth in the Basic Act and other regulations.

Powers of the Assembly

3. The Assembly shall be responsible for enacting decisions and regulations with legal force of Kosmet, including in political, economic, social, educational, scientific and cultural areas as set out bellow and elsewhere in this Agreement.

a) The Assembly shall be responsible for:

(i) Financing activities of Kosmet institutions, including by levying taxes and duties on sources within Kosmet;

(ii) Adopting of budgets of the Administrative organs and other institutions of Kosmet, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative organs of Kosmet;

(iv) Approving the list of Ministers of the Council of Ministers, including the Prime Minister;

(v) Coordinating educational arrangements in Kosmet, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Assembly of Kosmet;

(vii) Establishing a framework for local self-government;

(viii) Enacting regulations concerning inter-communal issues and relations between national communities when necessary;

(ix) Enacting regulations regulating the work of medical institutions and hospitals;

(x) Protecting the environment, where intercommunal issues are involved;

(xi) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;

(xii) Adopting programs for the development of agriculture and of rural areas;

(xiii) Regulating elections;

(xiv) Regulating Kosmet -owned property; and

(xv) Regulating land registries.

(b) The Assembly shall also have authority to enact decisions and regulations with force of law in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes on the basis of the agreement of these communes. In the absence of decisions enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

Article III: Council of Ministers and Administrative organs

The Council of Ministers shall perform executive functions. It shall be responsible for the enforcement of the regulations of Kosmet and shall make proposals for their adoption to the Assembly of Kosmet.

The Council of Ministers shall be composed of the President and Ministers. The candidate for the President of the Council of Ministers shall be proposed by the President of the Assembly of Kosmet. The candidate for the President of the Council of Ministers shall make a list of candidates for Ministers making sure that each national community is represented with at least one candidate and shall submit it to the Assembly for adoption. The President of the Council of Ministers cannot be from the same national community as the President of the Assembly of Kosmet. The Council of Ministers shall be elected when it receives majority of the total number of the members of the Assembly of Kosmet, i.e. when it receives majority by representatives of each individual national community.

Administrative Organs shall be responsible for assisting the Council of Ministers in carrying out its duties.

The administration organs of Kosmet shall be responsible for direct implementation of laws and decision-making in administration matters. Public officials working in the administration organs shall be fairly representative of each national community.

Article IV: Courts and enforcement

1. The functions of the courts in Kosmet shall be performed by the courts of the Republic of Serbia, Kosmet courts and the courts of national communities.

The courts in Kosmet, except the courts of national communities, shall implement the federal and republican laws, and provincial decisions and regulations with legal force.

2. Citizens and legal persons in Kosmet shall have the right to choose the court which will try their case. Any citizen and legal person in Kosmet may, at the start of court proceedings (litigation, out-of-court proceedings and criminal) as a plaintiff, petitioner or accused, choose to be tried either by the Court of the Republic of Serbia or Kosmet court.

If other participants in the proceedings (defendant or the wronged party) are not members of the same national community as plaintiff or the defendant, they may request that the members of the panel be chosen from their national community. They are also entitled to other rights in the proceedings, specified by the laws on proceedings.

The courts of national communities may be established by those national communities which established the separate rules for the settlement of disputes among the members of that national community, who accepted those rules and who agreed to the competencies of these courts.

3. The Kosmet courts shall be established, organized and their judges and jurors elected by the Assembly of Kosmet. The Kosmet courts shall be established as first instance, second instance and the High Court of Kosmet.

The High Court of Kosmet, in addition to the competencies related to trials according to regular and extraordinary legal means, in a separate permanent council composed of five judges, shall ensure that all regulations enacted by the organs of Kosmet are in line with the Basic Act of Kosmet, as well as that other regulations and general acts of organs of Kosmet are in line with the regulations with legal force enacted by the Assembly of Kosmet. In exercising this authority, this council may revoke any regulation or general act of the organs of Kosmet.

All regulations and general acts of Kosmet enacted from the competencies of the federal and republican organs set forth in the Constitution of the Federal Republic of Yugoslavia and the Constitution of the Republic of Serbia, shall be null and void. The federal and republican laws and other general acts of the federal and republican organs enacted in the fields in which Kosmet enacts regulations with legal force, implemented for all citizens and legal persons in Kosmet, shall be null and void.

4. The function of the Public Prosecutor in Kosmet shall be performed by the Federal, Republican and Kosmet Public Prosecutor. The Federal and republican prosecutor shall act before the republican and Kosmet courts, whereas the Kosmet prosecutor shall act before the Kosmet courts. The establishment, organization and competencies of Kosmet Public Prosecutor shall be specified by the regulation adopted by the Assembly of Kosmet.

5. A citizen in Kosmet who, by legally effective and enforceable ruling of the Court of the Republic of Serbia or the Kosmet court, is sentenced to an unconditional prison term in a prison set up by the Republic of Serbia according to enforcement regulations of the Republic of Serbia, if he is convicted by the republican court in the prison set up by the Assembly of Kosmet and according to enforcement regulations enacted by it, if he is sentenced by the Kosmet court.Local Police

6. In the communes in Kosmet, local police may be established as an organ performing certain police duties in the territory of a commune.

Heads and chiefs of departments of local police shall be appointed by an organ of communal government in charge of internal affairs with the approval of all national communities living in that commune.

Local police shall be representative of the national composition of the residents of the commune.

In communes with mixed population, local police departments shall be set up comprising police officers, members of the same national community. These departments shall carry out the tasks of local police in relation to members of the same national community.

In relation to members of different national communities, the duties of local police shall be jointly performed by local police officers from each department of local police.

7. Local police shall be responsible for preventing smaller violations of public order, investigation and other functions of police related to offences, traffic and patrol activities, fire protection, safety of traffic in local roads, prevention and suppression of offences, recording and controlling residence of citizens, establishment of a unique identification number and issuance of identity cards.

Other duties of police (State security, aliens, borders, serious criminal acts, arms, ammunition, explosives and other hazardous substances, traffic in regional main roads, passports, etc) in the communes where local police has been set up and all police duties in the communes where local police has not been set up, shall be performed by the state police. In larger places with mixed population traffic and patrol duties, in addition to local police, shall be performed by the State police, comprising police officers of different nationalities.

Relations between local and state police shall be based on mutual cooperation and they shall provide information to each other on all issues of importance to the performance of their duties.

8. The members of local police may use, as means of coercion, guns, rubber truncheons, handcuffs and passenger transport vehicles as well as appropriate communications means.

Local police shall be trained in appropriate police schools and its members shall be specifically trained to perform police duties in areas with mixed population.

The commune where local police has been established shall set up a commission to oversee its work. It will be composed of the representatives of all national communities living in the commune.

Article V: Human Rights and Fundamental Freedoms

1. All authorities in Kosmet shall ensure internationally recognized human rights and fundamental freedoms in Kosmet.

2. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Kosmet. Other internationally recognized human rights instruments enacted into its regulations by the Kosmet Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, government institutions, and other public institutions of Kosmet or operating in relation to Kosmet shall conform to these human rights and fundamental freedoms.

Article VI: National Communities

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect through democratic means institutions to administer its affairs in Kosmet.

3. The additional rights of the national communities are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

- inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbian, consistent with decisions about style made by the communal institutions.

- providing information in the language and alphabet of the national community.

- providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards.

- enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad.

- using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

- protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance, family, and matrimonial relations; tutorship; and adoption.

- the preservation of sites of religious, historical, or cultural importance to the national community, in cooperation with other authorities.

- operating religious institutions in cooperation with religious authorities; and

- participating in regional and international non-governmental organizations in accordance with procedures of these organizations.

- be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

- finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

- the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad.

- equal access to employment in public services at all levels.

- the right to use their languages and alphabets.

4. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republic, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

5. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

Article VII: Communes

1. Communes shall be units of local self-government.

The Assembly of Kosmet may change the present borders of the existing communes only with their prior consent.

2. Each commune shall have an Assembly, Executive Board and administration authorities. The organs of commune shall be set up in accordance with the principles that the organs of Kosmet have been set up.

3. Through its organs, in accordance with the legal powers of the Assembly of Kosmet, a commune shall be responsible for:

- making development plans, town planning, budget and annual accounts

- regulating and ensuring and development of communal activities;

- regulating and ensuring the use of city construction land and business space;

- taking care of construction, maintenance and use of local roads and streets and other public facilities of communal importance;

- establishing organs, organizations and services for communal needs and regulating their work.

The Assembly of Kosmet may devolve some of the duties from its competencies to a certain commune and transfer the funds to it to carry out that work.

Article VIII: Representation

1. The citizens in Kosmet shall be represented by at least 10 representatives in the Chamber of Citizens of the Federal Assembly and at least 20 representatives in the National Assembly of the Republic of Serbia.

2. At least one citizen in Kosmet shall be elected to the Federal Government and to the Government of the Republic of Serbia.

3. At least one citizen in Kosmet shall be elected as judge of the Federal Court and three judges in the Supreme Court of Serbia.

Article IX: Amendment

1. The Assembly may by a majority of two-thirds of its members, which majority must include a majority of the Members elected by the national community, adopt amendments to this Basic Act.

Article X: Entry into force

This Basic Act shall enter into force upon entering into force of this Agreement.
Chapter 3

Conduct and Supervision of Elections

Census and the first Parliamentary elections

1. The competent state authorities shall organize, together with the OSCE, as soon as possible, an objective and free census of the population in Kosmet. The census shall include information on places of residence, citizenship, nationality and other data relevant to the conduct of elections.

2. Free and fair elections for organs of Kosmet shall be held within nine months of the signing of the Agreement on Kosmet, under the supervision of OSCE.

3. The rules for the first elections for the Assembly of Kosmet, communal assemblies in Kosmet, harmonization of candidates on the basis of the OSCE electoral standards, shall be determined by the representatives of all national communities and all political parties in Kosmet.

Chapter 4

Economic Issues

Article I

1. The economy of Kosmet shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in the Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with the Agreement.

3. Certain revenue from Kosmet taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosmet shall enact appropriate non-discriminatory regulations for this purpose. The Communes may also levy local taxes in accordance with the Agreement.

4. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia which shall establish appropriate mechanisms to make such funds available to Kosmet authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosmet shall be managed and implemented by the appropriate Kosmet authority.

Chapter 6

The Ombudsman

Article I: General

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosmet. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Signatories may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of the Assembly of Kosmet and shall be elected by the Assembly

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have six Deputies. One deputy shall be elected from each national community.

The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.

The Ombudsman and his or her deputies shall have immunity equal to the immunity of the members of the Assembly.

Article II: Jurisdiction

1. **The Ombudsman shall consider:**

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosmet, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosmet shall have the right to submit complaints to the Ombudsman. The Signatories agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Article III: Powers and Duties

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosmet to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosmet institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines

that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Signatories undertake to ensure cooperation with the Ombudsman's investigations.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation. Chapter 8

Amendment, Comprehensive Assessment, and Final Clauses

Article I: Amendment and Comprehensive Assessment

1. Amendments to this Agreement shall be adopted by agreement of all the Signatories, except as otherwise provided by Article X of Chapter 1.

2. Each Signatory may propose amendments at any time and will consider and consult with the other Signatories with regard to proposed amendments.

3. After three years, the signatories shall comprehensively review this Agreement with a view to improving its implementation and shall consider the proposals of any signatory for additional measures, whose adoption shall require the consent of all signatories.

Article II: Final Clauses

1. This Agreement is signed in the Albanian, English, Romany, Serbian and Turkish language.

2. This Agreement shall enter into forces after each signatory informs the other that it completed its internal procedure.

FOR

Republic of Serbia

Prof.dr. Ratko Markovic

Vice-President of the Government of

the Republic of Serbia and

Head of the Delegation

of the Republic of Serbia

FOR

Federal Republic of Yugoslavia

Prof.Dr.Vladan Kutlesic

Vice-President of the Federal Government

FOR

Kosovo and Metohija

FOR

national community of Albanians

Sokolj Cuse

Democratic Reform Party of Albanians

Faik Jashari

Kosovo Democratic Initative

FOR

national community of Serbs and Montenegrins

Vojislav Zivkovic

FOR

national community of Turks

Zeynelabidin Kureys

Guljbehar Sabovic

FOR

national community of Muslims

Refik Senadovic

FOR

national community of Romanies

Ljuan Koka

FOR

national community of
Egyptians

Cerim Abazi

FOR
Republic of Serbia

Prof. Dr. Ratko Markovic
Vice-President of the Government
of the Republic of Serbia and
Head of the Delegation
of the Republic of Serbia

FOR
Federal Republic of Yugoslavia

Prof. Dr. Vladan Kutlesic
Vice-President of the Federal
Government

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Kosovo and Metohija

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national community of Albanians

Sokol Cuse
Democratic Reform Party of Albanians

Fadil Jashari
Kosovo Democratic Initiative

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national community of Serbs and
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national community of Turks

Zeynel Abidin Kuscu

Dragoljub Sabovic

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national community of Goranies

Ivo Vajc

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Refik Senadovic

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